

REMARKS

In the outstanding Official Action, the Examiner required restriction of the claims in the present application to one of an enumerated plurality of groups of inventions under 35 U.S.C. § 121. In particular, the Examiner asserted that the claims in the present application were not so linked as to form a single general inventive concept and, thus, required Applicant to elect a single invention.

The Examiner asserted that the groups in the present application are classified as follows:

Group 1, claims 1-3, drawn to an OFDM signal transmission system, classified in class 375, subclass 372.

Group 2, claims 4-21, drawn to a portable terminal with barcode having display, classified in class 726, subclass 3.

Group 3, claims 22-43, drawn to an electronic commerce system and admission control system, classified in class 705, subclass 27.

Group 4, claims 44 and 45, drawn to a local radio system, classified in class 709, subclass 217.

The Examiner asserted that these inventions are distinct from each other because they are unrelated and asserted that the inventions defined by Groups 1-4 have different functions and different effects and are not disclosed as capable of use together. The Examiner cited M.P.E.P. § 806.04 and 808.01.

The Examiner also asserted that the inventions have acquired a separate status in the art as shown by their different classifications and concluded that restriction for examination purposes is thus proper.

As noted above, by the present response, Applicants have elected for prosecution in the present application, with traverse, Group 1 as identified by the Examiner and comprising claims 1-3. Such election is made with traverse for the reasons as will be set forth hereinbelow.

In particular, Applicants respectfully submit that the recitations of each of the claims defined, according to the Examiner, by the respective groups of claims are so interrelated that restriction for election purposes as proposed by the Examiner is inappropriate.

In this regard, and merely as examples, claim 21, which is part of Group 2, recites a local radio, which is part of Group 4. Similarly, claim 22, which is part of Group 3, recites a portable terminal, which is part of Group 2. Claims 25 and 32, which are part of Group 3, recite a barcode reader and display, which are features of Group 2. Finally, claim 44, which is part of Group 4, recites a terminal, barcode reader and display, which are all features of Group 2.

Further, in view of the interrelationship of the recitations of the various groups, it is clear that there will be significant overlap in the search fields for the various groups.

At least for the above-noted reasons, it is respectfully that the Examiner's restriction requirement is inappropriate as set forth, and should be reconsidered and withdrawn.

Additionally, the Examiner's restriction requirement omits one of the two requirements for a proper restriction requirement set forth in M.P.E.P. § 803. In this regard, Applicants note that the Examiner has failed to provide any evidence of a "serious burden" should the restriction requirement not be made. Applicants further

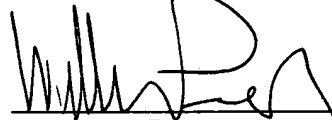
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submit that, based at least upon the above interrelationship of the features of the claims in the various groups, no proper showing of a serious burden on the Examiner can be made. For this additional reason, it is respectfully submitted that the restriction requirement is inappropriate.

Accordingly, based upon the above reasons, Applicants have traversed the above-noted restriction requirement, submit that it is inappropriate and request reconsideration and withdrawal thereof. Nevertheless, in order to be fully compliant with the Examiner's requirement, Applicants have elected, with traverse, the claims identified by the Examiner as directed to Group 1 and comprising claims 1-3.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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